

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**ROBERTA KELLY and
D. LAWRENCE OLSTAD,**

Plaintiffs,

v.

**U.S. BANK; BISHOP, WHITE &
MARSHALL, P.S., a Washington
Professional Services Company; and
KRISTA WHITE,**

Defendants.

U.S. BANK NATIONAL ASSOCIATION,

Third-party Plaintiff,

**CITY OF PORTLAND, a municipal
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., an
inactive Oregon corporation; CREDIT
CARD RECEIVABLES FUND
INCORPORATED, an Ohio corporation dba
UNIFUND CCR PARTNERS; ZB
LIMITED PARTNERSHIP, a Delaware
limited partnership dba UNIFUND CCR
PARTNERS,**

Third-party Defendants,

MOSMAN, J.,

On July 16, 2010, I adopted Magistrate Judge Acosta's Findings and Recommendation

("F&R") (#188) in the above-captioned case and I granted defendant U.S. Bank's Motion for Sanctions (#100), Second Motion for Sanctions (#109), and Third Motion for Sanctions (#155). In response to that Order, plaintiff Roberta Kelly filed a Rejection (#206) along with a declaration requesting that I vacate the Opinion & Order (#202). I construe the Rejection as a motion for reconsideration and I review it accordingly.

DISCUSSION

Reconsideration pursuant to Federal Rule of Civil Procedure 59(e) is appropriate "if (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law." *Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

Ms. Kelly does not present new evidence or argue that an intervening change in the law warrants a different decision. Ms. Kelly presumably bases her motion on an argument that this Court committed clear error or made a manifestly unjust decision. I do not find any facts or law to support such a contention. Therefore, Ms. Kelly's Rejection (#206), construed as a motion for reconsideration, is DENIED.

IT IS SO ORDERED.

DATED this 20th day of July, 2010.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court